

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

SID MILLER, et al.,

Plaintiffs,

v.

TOM VILSACK, in his official capacity as
Secretary of Agriculture,

Defendant.

No. 4:21-cv-00595-O

**THE FEDERATION’S MOTION TO COMPEL PRODUCTION OF COMPLETE
LOAN DATA AND FOR EXTENSION OF DEADLINES AND REQUEST FOR
EXPEDITED BRIEFING AND DECISION**

For the reasons given in the accompanying brief, the Federation of Southern Cooperatives/Land Assistance Fund (the “Federation”) moves the Court to:

- (1) Compel the Secretary of Agriculture to disclose the loan data requested by the Federation in accordance with this Court’s Scheduling Order directing “[l]oan data disclosure” by April 15, 2022; and
- (2) Extend the expert-designation deadline and all current deadlines thereafter by the difference in the number of days between the date of the Secretary’s original production and either the date on which the Secretary produces the loan data the Federation has requested, or, in the event the Secretary contends such data does not exist or cannot reasonably be discovered, the date on which the Secretary so declares under penalty of perjury following a reasonably diligent search that is specifically described in his declaration.

Given the fast-approaching case deadlines, the Federation requests that the Court set an expedited briefing schedule and order the filing of any responses by May 20, 2022. In the interest of expediency, the Federation waives its right to file a reply.

Dated: May 13, 2022

Respectfully submitted,

/s/ Chase J. Cooper

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CERTIFICATE OF CONFERENCE

As for the request to compel loan data, on May 4, 2022 and May 9, 2022, counsel for the Federation and counsel for the Secretary conferred about the deficiencies in the loan data the Secretary has produced. Counsel for the Federation stated that the Federation would move to compel if the Secretary did not supply the information the Federation's expert requested. Counsel for the Secretary stated that the Secretary would not be providing any of the data requested by the Federation because it is beyond the scope of the Court's Scheduling Order.

As for the extension request, on May 12, 2022, counsel for Plaintiffs and counsel for the Secretary indicated via email that Plaintiffs and the Secretary do not oppose a two-week extension of expert deadlines so long as that extension does not affect current summary-judgment deadlines; however, counsel for Plaintiffs and counsel for the Secretary indicated that Plaintiffs and the Secretary oppose any extension that would affect the current summary-judgment deadlines. Counsel for the other Intervenor—the National Black Farmers Association and the Association of American Indian Farmers—indicated that the other Intervenor do not oppose a two-week extension of expert deadlines.

/s/ Chase J. Cooper

Chase J. Cooper

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed via the court's CM/ECF system on May 13, 2022, which will serve all counsel of record.

/s/ Chase J. Cooper

Chase J. Cooper